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SENATE BILL 323

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Lynda M. Lovejoy

AN ACT

RELATING TO SCHOOL LIBRARY MATERIALS; PROVIDING FOR
DISTRIBUTION OF SCHOOL LIBRARY MATERIALS TO GOVERNMENTALLY
CONTROLLED SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-15C-2 NMSA 1978 (being Laws 2003,
Chapter 149, Section 2, as amended) is amended to read:

"22-15C-2. DEFINITIONS.--As used in the School Library
Material Act:

A. "additional student" means a student in the
certified forty-day membership of the current year for a school
district or state institution above the number certified in the
forty-day membership of the prior year for the school district
or state institution;

B. "bureau" means the instructional material bureau

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1 of the department;

2 C. "bureau of Indian education" means the bureau of
3 Indian education of the United States department of the
4 interior;

5 [~~G.~~] D. "fund" means the school library material
6 fund;

7 E. "governmentally controlled school" means a
8 bureau of Indian education school that is governmentally owned
9 and controlled, is located in New Mexico, provides instruction
10 for first through twelfth grades and is not sectarian or
11 denominational;

12 [~~D.~~] F. "library material processing" means
13 cataloging of school library material, including in electronic
14 format, according to nationally accepted standards, and the
15 application of bar code labels and call-number classification
16 labels to the material;

17 [~~E.~~] G. "membership" means the total enrollment of
18 qualified students on the fortieth day of the school year
19 entitled to the free use of school library material pursuant to
20 the School Library Material Act;

21 [~~F.~~] H. "qualified student" means a public school
22 or governmentally controlled school student who:

23 (1) has not graduated from high school;

24 (2) is regularly enrolled in one-half or more
25 of the minimum course requirements approved by the department

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1 for public school students or by the bureau of Indian education
2 for students enrolled in a governmentally controlled school;
3 and

4 (3) in terms of age:
5 (a) is at least five years of age prior
6 to 12:01 a.m. on September 1 of the school year; or

7 [~~4~~] (b) is at least three years of age
8 at any time during the school year and is receiving special
9 education services pursuant to regulation of the department;

10 [~~G-~~] I. "school library material" means books and
11 other educational media, including online reference and
12 periodical databases, that are made available in a school
13 library to students for circulation and use in the library; and

14 [~~H-~~] J. "school district" includes state-chartered
15 charter schools."

16 Section 2. Section 22-15C-3 NMSA 1978 (being Laws 2003,
17 Chapter 149, Section 3) is amended to read:

18 "22-15C-3. SCHOOL LIBRARY MATERIAL FUND--CREATION.--The
19 "school library material fund" is created in the state
20 treasury. The purpose of the fund is to provide an account
21 from which the department [~~of education~~] may distribute money
22 to school districts [~~and~~], state institutions and
23 governmentally controlled schools to pay for the cost of
24 purchasing school library material. The cost of purchasing
25 school library material may include shipping and handling

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1 charges for the delivery of school library material. The fund
2 shall consist of appropriations, gifts, grants, donations and
3 bequests. Money in the fund [~~shall be~~] is appropriated to the
4 department [~~of education~~] to pay for the cost of purchasing
5 school library material. Disbursements from the fund shall be
6 by warrant of the secretary of finance and administration upon
7 vouchers signed by the [~~state superintendent or his~~] secretary
8 or the secretary's designated representative. Money in the
9 fund shall not revert to the general fund at the end of a
10 fiscal year."

11 Section 3. Section 22-15C-4 NMSA 1978 (being Laws 2003,
12 Chapter 149, Section 4) is amended to read:

13 "22-15C-4. ADMINISTRATION OF THE SCHOOL LIBRARY MATERIAL
14 FUND--BUREAU--DUTIES.--Subject to the policies and rules of the
15 [~~state board~~] department, the bureau shall:

16 A. administer the provisions of the School Library
17 Material Act;

18 B. enforce rules for the handling, safekeeping and
19 distribution of school library material and money from the
20 fund;

21 C. enforce inventory and accounting procedures to
22 be followed by school districts, [~~and~~] state institutions and
23 governmentally controlled schools; and

24 D. withdraw or withhold the privilege of
25 participating in the free use of school library material in

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1 case of noncompliance with the provisions of the School Library
2 Material Act or rules adopted pursuant to that act."

3 Section 4. Section 22-15C-5 NMSA 1978 (being Laws 2003,
4 Chapter 149, Section 5) is amended to read:

5 "22-15C-5. STUDENTS ELIGIBLE--DISTRIBUTION.--

6 A. A qualified student or person eligible to become
7 a qualified student attending a public school [øæ], a state
8 institution or a governmentally controlled school in a grade
9 from the first through the twelfth grade of instruction is
10 entitled to the free use of school library material. A student
11 enrolled in an early childhood education program as defined in
12 Section 22-13-3 NMSA 1978 is also entitled to the free use of
13 school library material.

14 B. A school district [øæ], a state institution or a
15 governmentally controlled school shall purchase school library
16 material as an agent for the benefit of students entitled to
17 the free use of school library material.

18 C. A school district [øæ], a state institution or a
19 governmentally controlled school receiving school library
20 material pursuant to the School Library Material Act is
21 responsible for circulation of the school library material for
22 use by eligible students and for the safekeeping of the school
23 library material."

24 Section 5. Section 22-15C-6 NMSA 1978 (being Laws 2003,
25 Chapter 149, Section 6, as amended) is amended to read:

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1 "22-15C-6. DISTRIBUTION OF MONEY FOR SCHOOL LIBRARY
2 MATERIAL.--

3 A. On or before July 1 of each year, the department
4 shall allocate from the fund at least ninety percent of the
5 estimated entitlement for each school district [~~or~~], state
6 institution or governmentally controlled school as determined
7 from the estimated forty-day membership for the next school
8 year to each school district, [~~and~~] state institution and
9 governmentally controlled school. The entitlement of a school
10 district [~~or~~], a state institution or a governmentally
11 controlled school is the portion of the total amount of the
12 annual appropriation less a deduction for a reasonable reserve
13 for emergency expenses that its forty-day membership bears to
14 the forty-day membership of the entire state. Additional
15 students shall be counted as six students for the purpose of
16 the allocation.

17 B. On or before January 15 of each year, the
18 department shall recompute each entitlement using the forty-day
19 membership for that year and shall allocate the balance of the
20 annual appropriation adjusting for any over- or under-
21 estimation made in the first allocation.

22 C. The department shall establish procedures to
23 distribute funds directly to school districts [~~and~~], state
24 institutions and governmentally controlled schools.

25 D. A school district [~~or~~], a state institution or a

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1 governmentally controlled school that has funds remaining for
2 the purchase of school library material at the end of a fiscal
3 year shall retain those funds for expenditure in subsequent
4 years."

5 Section 6. Section 22-15C-7 NMSA 1978 (being Laws 2003,
6 Chapter 149, Section 7) is amended to read:

7 "22-15C-7. SALE OR LOSS OR RETURN OF SCHOOL LIBRARY
8 MATERIAL.--

9 A. With the approval of the bureau, school library
10 material acquired by a school district [~~or~~], a state
11 institution or a governmentally controlled school pursuant to
12 the School Library Material Act may be sold at a price
13 determined by officials of the school district [~~or~~], state
14 institution or governmentally controlled school. The selling
15 price shall not exceed the cost of school library material to
16 the state.

17 B. A school district [~~or~~], a state institution or a
18 governmentally controlled school may hold a parent, guardian or
19 student responsible for loss, damage or destruction of school
20 library material while the school library material is in the
21 possession of a student. A school district or a governmentally
22 controlled school may withhold the grades, diploma and
23 transcripts of a student responsible for damage or loss of
24 school library material until the parent, guardian or student
25 has paid for the damage or loss. When a parent, guardian or

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1 student is unable [~~for~~] to pay for the damage or loss, the
2 school district shall work with the parent, guardian or student
3 to develop an alternative program in lieu of payment. Where a
4 parent or guardian is determined to be indigent according to
5 guidelines established by the [~~state board~~] department, the
6 school district shall bear the cost.

7 C. A school district [~~or~~], a state institution or a
8 governmentally controlled school that has funds remaining for
9 the purchase of school library material at the end of a fiscal
10 year shall retain the funds for expenditure in subsequent
11 years."

12 Section 7. Section 22-15C-8 NMSA 1978 (being Laws 2003,
13 Chapter 149, Section 8) is amended to read:

14 "22-15C-8. RECORD OF SCHOOL LIBRARY MATERIAL.--A school
15 district [~~or~~], a state institution or a governmentally
16 controlled school shall keep an accurate record of school
17 library material that includes a cost record. A school
18 district [~~or~~], a state institution or a governmentally
19 controlled school shall comply with record-keeping procedures
20 prescribed by the bureau."

21 Section 8. Section 22-15C-9 NMSA 1978 (being Laws 2003,
22 Chapter 149, Section 9) is amended to read:

23 "22-15C-9. ANNUAL REPORT.--Annually, at a time specified
24 by the department [~~of education~~], each local school district
25 [~~and~~], state institution or governmentally controlled school

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1 acquiring school library material pursuant to the School
2 Library Material Act shall file a report with the department
3 [~~of education~~]."

4 Section 9. Section 22-15C-10 NMSA 1978 (being Laws 2003,
5 Chapter 149, Section 10) is amended to read:

6 "22-15C-10. REPORTS--BUDGETS.--

7 A. Annually, the department [~~of education~~] shall
8 submit a budget for the next fiscal year to the department of
9 finance and administration showing expenditures for school
10 library material to be paid from the fund, including reasonable
11 shipping and handling charges and library material processing
12 expenses.

13 B. Upon request, the department [~~of education~~]
14 shall make reports to the [~~state board~~] public education
15 commission concerning the administration and execution of the
16 School Library Material Act."

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